

(d) *Seizure under 19 U.S.C. 1592.* If merchandise is imported, introduced or attempted to be introduced contrary to a provision of law governing its classification or value, and there is no issue of admissibility, such merchandise shall not be seized pursuant to 19 U.S.C. 1595a(c). Any seizure of such merchandise shall be in accordance with section 1592 (see § 162.75 of this chapter).

(e) *Detention only.* Merchandise subject to quantitative restrictions requiring a visa, permit, license, or other similar document, or stamp from the United States Government or from a foreign government or issuing authority pursuant to a bilateral or multilateral agreement, shall be subject to detention in accordance with 19 U.S.C. 1499, unless the appropriate visa, permit, license, or similar document, or stamp is presented to Customs (but see paragraph (b)(7), of this section for instances when seizure may occur).

George J. Weise,  
Commissioner of Customs.

Approved: November 29, 1995.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95-31325 Filed 12-27-95; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### 32 CFR Part 706

#### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

**ACTION:** Final Rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS LABOON (DDG 58) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** December 5, 1995.

**FOR FURTHER INFORMATION CONTACT:** Captain R. R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400; Telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS LABOON (DDG 58) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the vessel, the placement of the after masthead light, and the horizontal

distance between the forward and after masthead lights; Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

#### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

#### PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by revising the entry for "USS LABOON" to read as follows:

#### § 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained.
USS LABOON .....	DDG 58	X	X	X	20.4
* * * * *		*	*	*	*

Dated: December 5, 1995.

R.R. Pixa,

Captain, JAGC, U.S. Navy, Deputy Assistant  
Judge Advocate General (Admiralty).

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 3

[CGD 95-081]

RIN 2115-AF22

#### Fifth and Eighth District Marine Inspection and Captain of the Port Zone Boundaries

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is amending the descriptions of several Marine Inspection and Captain of the Port zone boundaries in the Fifth Coast Guard District as a result of the consolidation of the Marine Safety Office Baltimore and Group Baltimore into a single unit, Activities Baltimore. The Coast Guard is also revising the descriptions of the former Marine Inspection and Captain of the Port Zones for Houston, TX and Galveston, TX to reflect their merger into a single zone. These changes will clarify Coast Guard geographic area responsibilities both in the Fifth and in the Eighth Coast Guard Districts. These changes are administrative and will not impact the type or level of Coast Guard services performed.

**EFFECTIVE DATES:** This rule is effective on December 28, 1995.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Janet Walton, Project Manager, Standards Evaluation and Development Division (G-MES-2), (202) 267-0257.

#### SUPPLEMENTARY INFORMATION:

Background and Purpose

##### *Fifth District—Activities Baltimore*

During 1995, the Coast Guard reorganized the Marine Safety Office Baltimore and Group Baltimore units by consolidating them into a single unit

and redefining its geographic area of responsibility. The new unit, Activities Baltimore, is now the location of the Baltimore Marine Inspection Office (MI) and Captain of the Port Office (COTP), and its area of responsibility is now limited to the upper Chesapeake Bay and its tributaries, all within the State of Maryland. The Philadelphia Marine Inspection Zone and Captain of the Port Zone were enlarged to add those portions of the Chesapeake and Delaware Canal, and upper portions of the Nanticoke River located within the state of Delaware which formerly were in the Baltimore zone. The Hampton Roads Marine Inspection Zone and Captain of the Port Zone has been expanded to include portions of eastern Maryland, northern Virginia and the Atlantic Ocean which formerly had been part of the Baltimore Marine Inspection Zone and Captain of the Port Zone. The boundary between the Baltimore and Hampton Roads MI and COTP zones is now, starting from the intersection of the Virginia-Maryland-West Virginia boundaries, the southern bank of the Potomac River as it follows the Virginia-Maryland and Virginia-District of Columbia boundaries, the Virginia-Maryland boundary across the Chesapeake Bay and the western portion of Delmarva Peninsula, and a north-south line along 75°30' W. longitude from the Virginia-Maryland boundary to the Maryland-Delaware boundary. The entire Commonwealth of Virginia and the eastern portion of Maryland along the Atlantic coast are now included within the Hampton Roads Marine Inspection Zone and COTP Zone.

##### *Eighth District—Houston-Galveston*

Previously, the Coast Guard Marine Safety Offices in Houston and Galveston each exercised MI and COTP authority in their respective regions. The Coast Guard has consolidated the MI and COTP authority for both of these regions into one MI and COTP zone, Houston-Galveston. This merger streamlined the command and control of Marine Safety activities for the Houston and Galveston areas.

##### *Discussion of Changes*

The current descriptions do not reflect the changes in these MI/COTP zones. This rule will revise these descriptions. The Coast Guard is proceeding directly to a final rule under section 553(b)(3)(A) of the Administrative Procedures Act (5 U.S.C. § 551 et seq.) which excludes rulemakings relating to agency organization, procedure, or practice from the requirements of public notice and comment. These changes are

administrative and will not impact the type or level of Coast Guard services performed.

§ 3.25-05. This section, describing the Philadelphia Marine Inspection Zone and Captain of the Port Zone, is revised to add those portions of the Chesapeake and Delaware Canal, and upper portions of the Nanticoke River located within the state of Delaware which previously were in the Baltimore zone. As a result, the entire state of Delaware will be within the boundaries of the Philadelphia Marine Inspection and Captain of the Port Zones.

§ 3.25-10. This section, describing the Hampton Roads Marine Inspection Zone and Captain of the Port Zone, is being revised to add the northern portion of Virginia, the eastern portion of Maryland, and the portion of the Atlantic Ocean which previously were in the Baltimore MI and COTP Zones. Instead of the boundary between the Baltimore and Hampton Roads MI/COTP zones currently described by a line through northern Virginia and the Virginia-Maryland boundary across the Chesapeake Bay and the Delmarva Peninsula, the boundary is now, starting from the intersection of the Virginia-Maryland-West Virginia boundaries, the southern bank of the Potomac River as it follows the Virginia-Maryland and Virginia-District of Columbia boundaries, the Virginia-Maryland boundary across Chesapeake Bay and the western portion of Delmarva Peninsula, and a north-south line along 75°30' W. longitude from the Virginia-Maryland boundary to the Maryland-Delaware boundary, and then along that boundary to the ocean and further seaward. The entire Commonwealth of Virginia, the eastern portion of Maryland along the Atlantic coast, and the Atlantic Ocean adjacent to the Maryland coast to the outermost extent of the EEZ are now included within the Hampton Roads Marine Inspection Zone and Captain of the Port Zone. The Hampton Roads zones will border the Philadelphia Marine Inspection and Captain of the Port Zones from a point on the Maryland-Delaware boundary (75°30' W. longitude) and along that boundary to the ocean and further seaward in the same manner as did the Baltimore MI/COTP zones.

§ 3.25-15. This section, describing the Baltimore Marine Inspection Zone and Captain of the Port Zone, is revised to describe its new boundaries. The Chesapeake and Delaware Canal, and Nanticoke River, which were wholly within the Baltimore Marine Inspection and COTP Zones, are now divided between the Baltimore and Philadelphia zones at the Maryland-Delaware